

2 FAM 950

PAYMENT AND REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTICS TRAFFICKING

(TL:GEN-300; 08-11-2000)

2 FAM 951 GENERAL

2 FAM 951.1 Summary

(TL:GEN-300; 08-11-2000)

a. *In general, under Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.), as amended, the Secretary of State is authorized to pay up to \$5 million (subject to the availability of funds) for information leading to the arrest or conviction, in any country, of any individual for certain narcotics-related offenses committed abroad.*

b. *The Bureau of International Narcotics and Law Enforcement Affairs (INL) administers and provides policy guidance as needed for the program.*

2 FAM 951.2 Authority

(TL:GEN-300; 08-11-2000)

a. *Section 36(b) of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2708(b)), provides that the Secretary may pay a reward to any individual who furnishes information leading to:*

“(A) The arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves:

(i) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

(ii) the killing or kidnapping of—

(a) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

(b) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of U.S. narcotics laws or the implementing of U.S. narcotics control objectives; or

(iii) an attempt or conspiracy to commit any act described in subparagraph (i) or (ii);

(B) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described above; or

(C) the prevention, frustration, or favorable resolution of an act described above.”

b. Section 36(c)(2) of the State Department Basic Authorities Act of 1956, as amended, requires that the Secretary obtain the concurrence of the Attorney General before making a reward in a matter over which there is federal criminal jurisdiction.

c. Section 36(c)(1) of the State Department Basic Authorities Act of 1956, as amended, requires that procedures be established to ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants, or the obtaining of evidence or information, as authorized to the Department of Justice. In accordance with this provision, the offering, administration, and payment of rewards under this section shall be governed by these procedures, developed by the Secretary of State in consultation with the Attorney General, for:

(1) Identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(2) The publication of rewards;

(3) The offering of joint rewards with foreign governments;

(4) The receipt and analysis of data; and

(5) The payment and approval of payment.

d. This program authorizes the payment of rewards only in consideration of the furnishing by an eligible individual of information that produces the results specified in the authorizing legislation, as described above. This program is in addition to and separate from the normal payment to cooperating individuals for the purchase of evidence or information and is not intended to interfere with or take the place of routine purchases of information that are made with Drug Enforcement Agency (DEA) funds.

2 FAM 951.3 The Interagency Narcotics Rewards Program Committee

(TL:GEN-300; 08-11-2000)

The Narcotics Rewards Program Committee is an interagency committee, which, among other things, considers proposals for rewards payments to potential recipients. The Narcotics Rewards Program Committee is chaired by a representative of INL and is comprised of representatives from:

- (1) Office of the Legal Adviser (L/LEI and L/LM);*
- (2) Bureau of Financial Management and Policy (FMP);*
- (3) Relevant regional bureau(s) within the Department;*
- (4) Department of Justice (DOJ, Criminal Division);*
- (5) Drug Enforcement Administration (DEA);*
- (6) Federal Bureau of Investigation (FBI);*
- (7) U.S. Marshals Service;*
- (8) Central Intelligence Agency (CIA) (Center for Narcotics and Crime (CNC) - LINEAR or LINKAGE Committee representatives as appropriate); and*
- (9) Representatives of other Federal agencies as appropriate in particular cases.*

2 FAM 952 REWARDS GUIDELINES

2 FAM 952.1 Ineligibility of U.S. or Foreign Government Officers or Employees

(TL:GEN-300; 08-11-2000)

Pursuant to Section 36(f) of the State Department Basic Authorities Act of 1956, as amended, "an officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties," furnishes information as described above, "shall not be eligible for a reward under this section." Such officers may, however, be eligible for participation in the Witness Security Program.

2 FAM 952.2 Coordination with Relevant Host-Government Authorities

(TL:GEN-300; 08-11-2000)

The rewards program is to be carried out in such a manner as to supplement and complement the bona fide security and law enforcement efforts of relevant host government authorities, which bear the primary responsibility in these areas. To this end, all stages of the rewards process (see 2 FAM 953) will be closely coordinated whenever appropriate, with responsible host government authorities. Such coordination will be accomplished between the DEA country attaché and local narcotics and law enforcement authorities (see 2 FAM 952.3).

2 FAM 952.3 Responsibilities

(TL:GEN-300; 08-11-2000)

The DEA country attaché, in coordination with the INL Narcotics Affairs Section Chief (NAS), shall be primarily responsible for the rewards program at each post. (If there is no DEA attaché or NAS at post, then the DEA attaché or NAS having responsibility for that country will coordinate these reward activities.) Such responsibility includes implementation of each of the stages of the rewards process as set forth in 2 FAM 953, including coordination, where appropriate, at each such stage with host government authorities. In carrying out this responsibility, the DEA country attaché and NAS shall remain subject to the overall direction and supervision of the chief of mission concerned, who shall approve all proposals to pay rewards before transmittal, and shall coordinate with other officers at post, as appropriate.

2 FAM 952.4 Security Procedures

(TL:GEN-300; 08-11-2000)

Posts should transmit all telegraphic communications relating to the implementation of this program in the appropriate channel with a classification level and distribution controls sufficient to ensure the security of these operations and persons involved in them. In particular, post should handle information relating to the identity of an informant, such as names or other personal data and times, places, and circumstances of contacts with U.S. officials, in accordance with appropriate operational security procedures.

2 FAM 952.5 Accounting for Funds

(TL:GEN-300; 08-11-2000)

Fiscal responsibility and accountability for funds appropriated for use in carrying out the program will reside in FMP. FMP will also be responsible for instituting appropriate financial controls, including such controls as may be necessary to maintain the confidentiality of payments within the framework of internal control and audit requirements.

2 FAM 953 REWARDS PROCESS

2 FAM 953.1 Offers to Pay Rewards

(TL:GEN-300; 08-11-2000)

a. The Department, posts, or other agencies may propose that a reward be offered for information leading to the arrest or conviction of a major narcotics trafficker, or the prevention or frustration of narcotics trafficking.

b. Such proposals may include that a reward be offered jointly with a foreign government.

c. A generic reward offer for information relating to all potential targets may also be considered.

d. Any such proposals must be approved by INL, L, and FMP within the Department of State, and DEA, FBI, the Criminal Division of the Department of Justice, and other Federal agencies, as appropriate. Relevant posts shall also be consulted regarding proposed reward offers and may be directed to consult with respective host governments, as appropriate.

e. When a reward offer is authorized, it may then be publicized in accordance with 2 FAM 953.2.

2 FAM 953.2 Publicizing Reward Offers

(TL:GEN-300; 08-11-2000)

a. Funds appropriated for the Narcotics Rewards Program may be used for publicity initiatives, such as Department or post-initiated worldwide or region-specific campaigns and other publicity measures.

b. Both Department and post initiated media announcements should include:

(1) Identification of the entity offering the reward (ordinarily the U.S. Department of State, although in certain circumstances it may be necessary or desirable to avoid reference to the U.S. Government's role);

(2) *The amount up to which the U.S. Department of State is authorized to pay (currently \$5,000,000);*

(3) *The basic criteria under which rewards are authorized to be made as set forth in 2 FAM 951.2 above;*

(4) *For publicity tailored to specific incidents or individuals, a concise description of the incident or individual in connection with which a reward may be given;*

(5) *Particulars as to where to take the information;*

(6) *A statement that any officer or employee of any U.S. or foreign governmental entity furnishing information in the performance of his or her official duties is ineligible for a monetary reward;*

(7) *A statement that all details, including in particular the identity of any informant, will be kept confidential; and*

(8) *The fact that the U.S. Government may also be able to provide for the possible relocation of persons and their families for furnishing such information.*

c. *In no case may post or any Department official agree to pay a reward under this program without express approval from the Department through INL, in accordance with 2 FAM 953.4*

d. *In some instances, such as in the case of a sealed indictment against a narcotics trafficker, publicity of the reward offer may not be feasible.*

e. *All reward announcements shall be cleared by INL, L, FMP, and DEA, FBI, the Criminal Division of the Department of Justice, or other Federal agencies, as appropriate.*

2 FAM 953.3 Post Actions Upon Receiving Information in Response to the Rewards Offer

2 FAM 953.3-1 Analysis and Collection of Data

(TL:GEN-300; 08-11-2000)

a. *The DEA attaché shall collect and analyze all information received in response to a reward offer. Any other officer or employee of the post receiving any such information shall immediately convey the information to the DEA attaché, subject only to considerations of protection of intelligence sources and methods or the proprietary nature of the information.*

b. *The DEA attaché performs initial evaluation of the credibility and relevance of the information. The DEA attaché also ensures that the information is properly coordinated with the NAS, and, with the approval of the chief of mission, is promptly transmitted for review and action to INL and, to other posts that may have an interest in it and, if appropriate, to host country authorities.*

2 FAM 953.3-2 Acting on Information

(TL:GEN-300; 08-11-2000)

Normally, the Department will issue instructions as to specific measures to take in response to information received in response to an offer, such as further contacts with host country authorities, follow-up questioning of an informant, or modification of the original terms of an offer. If, however, information received at post is of sufficient credibility and urgency to warrant responsive action in the absence of instructions from the Department, the responsible officer(s) at post should take necessary steps and immediately inform INL.

2 FAM 953.4 Proposals to Pay Rewards

(TL:GEN-300; 08-11-2000)

a. *Proposals that a reward be paid under this program may originate at post, at the Department, or at other agencies. If a proposal originates at post, the DEA attaché should coordinate it and the chief of mission or deputy chief of mission in the country involved shall approve it before post forwards it to the Department for consideration. Included with any such proposal must be specific details concerning the factors set forth in the following section. In no case may a post agree to pay a reward under this program without express approval from the Department through INL.*

b. *If a proposal originates within the Department, the Narcotics Rewards Committee will normally seek the views of the relevant post(s) before recommending the payment of a reward.*

c. *Posts proposing reward recipients should advise the Narcotics Rewards Committee through INL of any host-country sensitivity bearing upon the decision-making process. For example, host country legal restrictions as may apply to payment, or promise of payment, to witnesses for their testimony, must be considered in making recommendations, as well as the effect that payment of a reward would have on law enforcement efforts of host-country authorities.*

d. *Posts should also advise whether any specific measures for protection of the identity of the proposed recipient are deemed necessary (see 2 FAM 953.8).*

e. *A post may suggest a reward amount to the Department as part of its proposal in light of the considerations listed in the following section.*

2 FAM 953.5 Proposal Review

(TL:GEN-300; 08-11-2000)

a. *The Narcotics Rewards Program Committee will review proposals to pay rewards to informants in light of various considerations.*

b. *In cases covered by 2 FAM 952, and Section 36(b) of the State Department Basic Authorities Act of 1956, as amended, the Narcotics Rewards Program Committee shall review various considerations including the following:*

(1) *The degree to which the arrest or conviction of the perpetrator will impede the functions of a major narcotics trafficking organization;*

(2) *The credibility, specificity and value of the information with respect to the arrest or prosecution of the perpetrator;*

(3) *The degree of risk taken by the informant;*

(4) *The voluntariness of the informant's cooperation; and*

(5) *The degree of involvement by the informant in the crime(s).*

c. *In cases involving prevention or frustration of a narcotics-related offense described in Section 36(b)(5) of the State Department Basic Authorities Act of 1956, as amended, (see 2 FAM 951), the Narcotics Rewards Program Committee shall review various considerations, including the following:*

(1) *The seriousness of the narcotics-related offense, which was prevented or frustrated by the information, provided;*

(2) *The credibility, specificity, and value of the information provided in successfully preventing or frustrating the offense; and/or*

(3) *The degree of risk faced by the individual and the individual's family in providing the information.*

d. *In cases involving information relating to crimes against U.S. Government enforcement personnel and their families described in Section 36(b)(3)(B) of the State Department Basic Authorities Act of 1956, as amended, (see 2 FAM 951.2), the Narcotics Rewards Program Committee shall review various considerations, including the following:*

(1) *The value of the information with respect to the arrest and/or prosecution of the perpetrators(s) of such an act;*

(2) *The degree of participation in the act of those arrested and/or prosecuted (for example, whether they were accessories, passive participants, active participants, leaders, or the masterminds); and*

(3) *The degree of risk faced by the individual and the individual's family in providing the information.*

e. *Whether or not a reward is to be paid in any given case, and the amount of the reward, are matters wholly within the discretion of the Secretary of State, with the concurrence of the Attorney General, as appropriate.*

f. *If a proposal to pay a reward is denied by the committee, the Secretary of State, or the Attorney General, INL will advise the originating post of the decision by telegram, specifying the basis for the denial.*

2 FAM 953.6 Protection of Recipient's Identity

(TL:GEN-300; 08-11-2000)

a. *Section 36(e)(5) of the State Department Basic Authorities Act of 1956, as amended, gives the Secretary of State authority, if the Secretary determines that "the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected," to "take such measures in connection with the payment of the reward as he considers necessary to effect such protection." Specific measures employed to protect the identity of a recipient or potential recipient (and immediate family members, as appropriate) beyond the security procedures generally applicable to the Rewards Program, as set forth in 2 FAM 952.4, will depend on the circumstances of each case, but include not identifying the reward recipient by name in the report sent to Congress.*

b. *Informants and their immediate family, may be eligible for participation in the Attorney General's Witness Security Program authorized under 18 U.S.C. subsection 3521 et seq. INL is the Department's point-of-contact for this contingency. U.S. Government officials shall not make a promise or inducement of participation in this program without the express approval of the Department of Justice.*

c. *The post should report to INL what specific additional measures for protection of the identity of an informant are indicated and planned.*

2 FAM 953.7 Action Memorandum

(TL:GEN-300; 08-11-2000)

a. *If the Narcotics Reward Program Committee votes to recommend a reward payment, INL will present the Committee's recommendation in an action memorandum to the Secretary of State:*

(1) *If the matter is one over which there is Federal criminal jurisdiction, recommending that she or he sign a letter requesting the Attorney General's concurrence;*

(2) *Recommending that she or he certify payment upon receiving the Attorney General's concurrence, if necessary; and*

(3) *If appropriate, recommending that the Secretary determine that the identity of the reward recipient and/or members of the recipient's family must be protected.*

b. *The action memorandum will ordinarily include:*

(1) *A summary of the case or incident;*

(2) *A description of the applications of the criteria stated in 2 FAM 953.5 to the reward payment proposal;*

(3) *Other considerations that would affect the amount of the reward and/or the method of payment;*

(4) *A recommendation for the amount of the reward;*

(5) *A discussion of whether measures are necessary to protect the identity of the reward recipient and/or members of the recipient's family;*

(6) *As appropriate, the dissenting opinion(s) of any Rewards Program Committee member agencies or Department of State offices; and*

(7) *If appropriate, a letter to the Attorney General or her or his designate, requesting her or his concurrence for signature.*

c. *In cases in which the amount of the proposed reward is under \$100,000, INL will present the Reward Committee's recommendation to the Under Secretary for Management, after receiving clearance from the Under Secretary for Political Affairs.*

2 FAM 953.8 Reward Payment

(TL:GEN-300; 08-11-2000)

a. Section 36(e)(2) of the State Department Basic Authorities Act of 1956, as amended, requires that the Secretary personally approve rewards of more than \$100,000. By Delegation of Authority No. 180, dated August 8, 1989, the Secretary has delegated to the Under Secretary for Management the functions vested in the Secretary by Section 36 of the State Department Basic Authorities Act of 1956, as amended, with respect to the payment of rewards of less than \$100,000, subject to the concurrence of the Under Secretary for Political Affairs as to each proposed payment. Pursuant to Section 36(e)(3) of the Act, the Secretary must certify for payment any reward under this authority. Pursuant to Delegation of Authority No. 180, the Under Secretary for Management, subject to the concurrence of the Under Secretary for Political Affairs as to each payment, may certify for payment rewards of less than \$100,000.

b. Once the Attorney General concurs, if necessary, and the Secretary or the Under Secretary for Management (M) approves a reward and certifies it for payment, INL will notify FMP and request that appropriate arrangements for payment be initiated.

c. Generally, FMP will transfer funds to the DEA, FBI, or the appropriate law enforcement agency handling the informant.

2 FAM 954 REPORTS TO CONGRESS

2 FAM 954.1 Reports on the Payment of Rewards

(TL:GEN-300; 08-11-2000)

Pursuant to Section 36(g)(1) of the State Department Basic Authorities Act of 1956, as amended, within 30 days of the payment of any reward, the Secretary shall submit a report to the House Committee on International Relations and the Senate Committee on Foreign Relations with respect to that reward. INL shall prepare the report which may be submitted on a classified basis, as necessary, and shall:

- (1) Specify the amount of the reward paid;
- (2) Identify to whom the reward was paid (when necessary to protect the recipient, an identification number may be used instead of a name);
- (3) State the acts with respect to which the reward was paid; and
- (4) Discuss the significance of the information for which the reward was paid in dealing with those acts.

2 FAM 954.2 Annual Reports

(TL:GEN-300; 08-11-2000)

Pursuant to Section 36(g)(2) of the State Department Basic Authorities Act of 1956, as amended, not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the House Committee on International Relations and the Senate Committee on Foreign Relations with respect to the operation of the Narcotics Rewards Program. The report shall provide information on the total amounts expended during the fiscal year to carry out the rewards programs including amounts expended to publicize the availability of rewards.